

STATE OF NEW HAMPSHIRE
BOARD OF PHARMACY

March 15, 2006

A regular meeting of the New Hampshire Board of Pharmacy was held on **March 15, 2006** at the Board office, 57 Regional Drive, Concord, New Hampshire. The meeting was **called to order at 9:03 a.m.** with President Kristina Genovese presiding.

I. ROLL CALL - AGENDA REVIEW - ANNOUNCEMENTS

PRESENT

Kristina Genovese, President
George L. Bowersox, Vice-President
Vahrij Manoukian, Treasurer
Sandra B. Keans, Secretary
Margaret E. Hayes, Member
Ronald L. Petrin, Member

ALSO PRESENT

Paul G. Boisseau,
Executive Secretary
Peter A. Grasso,
Chief Compliance Investigator

II. REVIEW/ADOPTION OF MINUTES

Minutes of the **February 15, 2006 regular meeting** of the Board were accepted as submitted. **(Manoukian/Bowersox). Voted (unanimous).**

III. LICENSING

A. Pharmacists

1. Settlement Agreement Proposal

BLANCHETTE, Brian D.

Lebanon, NH

-NH Pharmacist License No. R0887

-Case File: ROI 16/05

The Board reviewed a proposed *Settlement Agreement* submitted by Mr. Blanchette on March 30, 2006.

**Motion (Hayes/Petrin) to accept the *Settlement Agreement* as proposed.
Failed (Commissioner Manoukian abstaining).**

Motion (Bowersox/Petrin) to accept an amended *Settlement Agreement* whereby the Respondent's license to practice pharmacy in NH is

suspended for 1-year with 6 months of the suspension stayed. **Failed** (Commissioner Manoukian abstaining).

Motion (Petrin/Hayes) to accept an amended *Settlement Agreement* whereby the Respondent's license to practice pharmacy in NH is suspended for a period of 10-years with all but 30-days of the suspension stayed; that the Respondent immediately engage in a recovery monitoring program contract with the *NH PharmAssist Foundation* to be in effect for 10 years; and that the Respondent shall pay, in full, the assessed administrative fine of \$1,000. Voted (Passed** – Commissioner Manoukian abstaining).**

2. 50-Year Anniversary – Gold Certificates

(a) BELLEVILLE, Leo A.

Somersworth, NH
NH License No. 1509
Date of Original Licensure: June 20, 1956

(b) BILODEAU, John R.

Campton, NH
NH License No. 1506
Date of Original Licensure: June 1, 1956

Motion (Manoukian/Hayes) to grant 50-year anniversary “Gold Certificates” to the above-referenced pharmacists according to Ph 401.07 of the NH Code of Administrative Rules and to make the formal presentations during the Board's December 2006 meeting. Voted (unanimous).

B. Pharmacy Technicians

1. Voluntary Surrender

BOLORIN, Miguel A.

East Hampstead, NH
NH Registration No. PT3961
Case File: ROI-40/06

- *Report of Investigation* – March 8, 2006 – Peter A. Grasso, R.Ph., CCI
- *Voluntary Surrender* signed March 6, 2006.

Motion (Bowersox/Hayes) to accept the *Voluntary Surrender* of pharmacy technician registration No. PT3961 effective immediately. Voted (unanimous).

C. **Pharmacies**

1. New

(a) **OSCO PHARMACY #7678**

7 Continental Blvd.
Merrimack, NH 03054

Pharmacist-In-Charge: Bradley A. Valenti, R.Ph.

NH Pharmacist License No. R1461

Owner/Corporate Officer/Supervisor: Mark Strickland, R.Ph.

Division Pharmacy Manager

Application complete.

Motion (Keans/Hayes) granting a temporary permit to Osco Pharmacy #7678, located at 7 Continental Boulevard, Merrimack, NH, based upon successful completion of the primary inspection, and issuance of the original permit upon successful completion of the secondary inspection pursuant to Ph 305.02. Voted (Passed – Commissioner Bowersox abstaining).

2. Request for Information

(a) **WAL-MART PHARMACY DIVISION**

Bentonville, AR

Request for waiver and amendment of NH Ph 704.04(g) to allow for the transfer (access to) of original prescription information for controlled substances listed in Schedules III, IV, or V for the purpose of refills for those pharmacies electronically sharing a real-time, online database and to allow for the maximum refills permitted by law and/or the prescriber's authorization.

*Item **tabled** February 15, 2006 – Inquiry from DEA is in process and will be reported to the Board when available.*

*Item **tabled** to April 19, 2006 – Inquiry from DEA is in process and will be reported to the Board when available.*

IV. COMPLIANCE UNIT

A. **Activity Report**

- February 2006

Motion (Manoukian/Hayes) to accept the report as submitted. Voted (unanimous).

V. NEW BUSINESS

A. **Automated Dispensing Machines**

- **CVS Pharmacy, Inc.**
Woonsocket, RI

The Board reviewed its previously issued (10-17-2005) policy on Automated Counting / Dispensing Machines and revised the policy as follows:

Motion (Bowersox/Petrin) to revise the policy/guidelines for pharmacies using automated devices or dispensers in which drugs are removed from the manufacturer's original packaging and placed in bulk bins/cells for dispensing. Voted (unanimous).

Automated Counting/Dispensing Systems

1. *A filling record shall be maintained, manually or in a computerized record from which information can be readily retrieved, for each bin including:*
 - a. *The drug name and strength, if any;*
 - b. *The name of the manufacturer or distributor;*
 - c. *Manufacturer's control or lot number(s) for all lots placed into the bin at the time of filling;*
 - d. *Any assigned lot number; and*
 - e. *An expiration date. Unless otherwise specified in the individual USP monograph, the expiration date or beyond use date shall be no later than the expiration date on the manufacturer's container or, one year from the date the drug is repackaged, whichever is earlier.*
2. *If more than one lot is added to a bin at the same time, the lot which expires first shall be used to determine the expiration date if shorter than a calculated date based on USP guidelines.*
3. *If a drug recall occurs involving any of the lot numbers currently in the bin, the entire contents of the bin shall be immediately removed.*
4. *Each bin shall be labeled in such a manner as to cross-reference the information on the filling record with the correct expiration date.*
5. *The expiration date on the bin's label shall reflect the expiration date assigned to the earlier lot, and the bin shall be allowed to "run dry" where all product is completely removed prior to filling at least once every 60 days with a record made of the run dry dates.*

B. Automated Data Processing Systems

Martin's Point Portsmouth Pharmacy
Portsmouth, NH

Request for waiver of NH Ph 703.05(r), (2)(3) to allow the use of an electronic record for the storage and retrieval of prescription information for purposes of transferring records from one pharmacy to another upon the sale of a pharmacy, whereas NH rule requires the use of a hard copy printout.

Motion (Bowersox/Hayes) to deny the request for waiver while noting that the Board will consider the amendment of Ph 703.05(r), (2)(3) during the next round of rulemaking. Voted (unanimous).

C. Oversight of Hours Worked / Prescriptions Filled

The Board did discuss a request for an opinion relative to applicable guidelines and/or anticipated legislation to govern the maximum number of consecutive hours worked by pharmacists and/or the maximum number of prescriptions that can be "safely" filled by a pharmacist during a given period of time (hours).

Although the Board is indeed concerned with this issue and its impact on public health and safety, there is no statutory authority to permit the Board to involve itself in employer-employee relations. The Board does, however, continue to monitor this "trend" (in this and other states) and its impact on the practice of pharmacy.

The meeting was recessed at 11:49 A.M. and called back to order at 11:53 A.M.

A non-public session was called (Manoukian/Hayes) at 11:50 A.M. with Commissioners Bowersox, Genovese, Hayes, Keans, Manoukian, and Petrin present.

Discussions and/or decisions occurring during this non-public (confidential) session were according to RSA 91-A:3, I & II and involved information pursuant to personnel matters.

The non-public session was adjourned at 11:52 P.M.

VI. ADJOURNED 1:20 P.M.

Respectfully submitted,

Sandra B. Keans
Secretary
FOR THE BOARD